

REMARKS

The allowance of Claims 24-29, 31, 32, 35-44, 46, 47, 51 and 52 is noted with appreciation. The undersigned greatly appreciates Examiner's having removed the indication of finality of rejection upon considering the remarks in the previous Response. It is believed, however, that the indication of allowance of claims 35, 36 was inadvertent since claims 35 and 36 had previously been cancelled. The only rejections have been under §112, para. 1, and that was only to dependent claims, Claims 30, 33, 34, 35, 45 and 48-50. Those claims are amended herein.

Appreciation is expressed for the courtesy of the telephone conference of Dec. 17, 2003 with the undersigned, in which the amendments were discussed and Examiner was understood to have expressed a generally favorable view that that would put the case in condition for allowance.

1. Indication of Other Proceedings:

It is pointed out that the parent application (Ser. No. 09/ 444,643) to the present application has been allowed but prosecution on the merits suspended until December 3, 2003 as that case was referred to the Board of Interferences to determine Interference, since claims that had been copied from Pat. 5,893,854 (Bontoux), assigned to SEB, a French company, were copied and allowed. Examiner in the present application has again allowed claims copied from another patent which is also assigned to SEB, which is the assignee of the Pat. 6,176,862 B1 (Delay et al.) whose claims the present application copies. The present Applicants' priority filing date (June 14, 1995) as well as their PCT filing date (June 4, 1996) are each senior to both Delay et al.'s filing date (May 12, 1999) and his foreign priority date (September 16, 1997) by more than one year, and would be entitled to senior party status were Examiner to initiate an Interference proceeding. It is believed that it would be in the interests of efficiency for the Office, the Administrative Patent Judges of the Board of Interferences, and also the parties to the Interference(s) to have them both declared as soon as possible, since present Applicants would be senior party in both Interferences.

2. Support for amended Claims 30 and 45:

As suggested by Examiner at page 2 of the Office Action, each of claim 30 and claim 45 is amended to delete the feature "the external edge of said plate protrudes beyond the virtual cylinder". Examiner has acknowledged that Fig. 8 shows an external edge of a radial plate, so the claim is amended to recite that, and is broader than the corresponding Delay et al. claim and continues to correspond to that claim.

3. Support for amended Claims 33 and 48:

Examiner stated that "Figure 8 does not show the peripheral pedestals of claim 33." Claim 48 is to the same effect. The rejection of dependent claims 34, and 49-50 was not explained further, and it is understood that they were rejected solely because they depend from a rejected claim, i.e. claim 33 or claim 48, respectively. Since claim 33 is rejected, Applicants request clarification of the indication of allowance of claim 37 which depends on claim 33. Applicants herein amend each of claims 33 and 48 to delete the expression "peripheral pedestals" and to recite "a series of members (6)", which is clearly disclosed in the specification and figures; claims 34, 37 and 49-50 are amended to recite proper antecedence. It is noted that the members have an oblique external face since there "oblique" refers to being sloping. The members (6) are connected to the roller just like the pedestals are connected to the roller in the Delay patent as shown in his Figure 1-2 as element 30; see also text at column 8, lines 16-20, and their purpose is to be static bases on which the protuberances are mounted, and the same structure and function is realized in Applicants' embodiments at e.g. Figs. 8a, 8c.

If Examiner had intended to reject claims 34 and 49-50 for other reasons, he is kindly requested to telephone the undersigned who will promptly resolve the matter with him on the telephone in order to advance this case.

4. Support in Embodiments other than that of Fig. 8:

While all the independent claims are allowed, for the sake of completeness, Applicants respectfully traverse Examiner's statement at page 2 of the Office Action that only the embodiment of Fig. 8 supports each of the independent claims. Examiner posited the example that Fig. 2 showed an example where certain planes, if constructed as Examiner suggested, did not satisfy the planes recited in the claims. However, Examiner posited that the "element" is the "(arm with

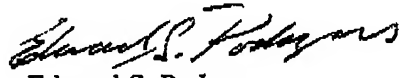
slot)", whereas he could have considered it to be the "arm with slot and axle", i.e., the axle supporting the protuberance 16; thus the plane in which the protuberance is rounded would then also pass through the element since it would pass through the supporting axle.

5. A Petition to correct Inventorship is supplied since the pending claims are supported by the embodiments of Figures 1 to 9 which are disclosed in the application's priority German application DE 195 21 585, as Figs. 1 to 9, and that application names the inventors Richard Cohen, Dietrich Pahl and Pedro Sanchez-Martinez.

If a telephone conference would helpfully advance prosecution, the Examiner is invited to telephone the undersigned at 617-421-7939, especially since it is understood from the conference that the claims are allowable and any remaining matter could be dealt with quickly on the phone. Please apply any charges or credits to Deposit Account No. 07-1350.

Respectfully submitted,

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